

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SELENA HOLMES,

Plaintiff,

- v -

CITY OF NEW YORK,

Defendant.  
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**MEMORANDUM ORDER**

CV-10-1864 (FB)(VVP)

At a conference in this case held on May 27, 2011, the court denied the plaintiff's request for an extension of time to conduct discovery given the plaintiff's failure to conduct discovery within the seven-and-a-half month discovery period, which included a previously granted extension of the discovery deadlines. Notwithstanding that denial, the court agreed to review the plaintiff's belatedly served document requests to determine whether any of the documents requested should be produced and granted the plaintiff the opportunity to conduct two additional depositions. See Dkt. Ent. 20. In accordance with the court's minute order, the plaintiff filed with the court the discovery requests which had been served out of time. See Dkt. Ent. 18. Having reviewed the requests, the court has determined that the defendants are to produce the following documents to the plaintiff for inspection and copying within 30 days:

1. The IAB files, if any, concerning the plaintiff for the period from 2005 to the present; and
2. The plaintiff's personnel file.

The remaining requests appear to seek extensive statistical information concerning the handling of a variety of disciplinary matters which would require substantial additional deployment of resources by the defendant well beyond the discovery deadline. Litigation will undoubtedly ensue concerning the breadth of the discovery sought. Moreover, the analysis of the information would require statistical experts who have not been identified in accordance with the scheduling order. Reopening discovery to permit litigation of these issues is likely to lead to extensive delay which is not warranted given the substantial time provided for discovery, and the plaintiff's inattention to discovery during

the time allotted notwithstanding the court's warnings that the discovery deadlines would be enforced.

**SO ORDERED:**

*Viktor V. Pohorelsky*

VIKTOR V. POHORELSKY

United States Magistrate Judge

Dated: Brooklyn, New York  
July 22, 2011